

# EXHIBIT 3

BREAKING | Feb 24, 2021, 08:21pm EST | 122,563 views

# Georgia Counties Ask Trump For Nearly \$17,000 In Legal Fees As GOP Election Lawyers Face Consequences



**Alison Durkee** Forbes Staff  
Business

**TOPLINE** Two Georgia counties filed motions this week asking a state court to order former President Donald Trump, his campaign and the state GOP chairman to pay thousands of dollars in attorneys fees for a case challenging the presidential election results, the latest in a string of attempts to exact consequences for Republicans and their lawyers who pushed a groundless months-long campaign to overturn President Joe Biden's win in court.



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**KEY FACTS**

- Cobb County is asking Trump and Georgia GOP chair David Shafer to pay \$10,875 in fees and DeKalb County is asking for \$6,105, for a [lawsuit](#) challenging the state's election results that the Trump campaign ultimately [withdrew](#) in January.
  - The filings come days after a federal judge in Washington, D.C., [referred](#) a lawyer who litigated a case challenging several battleground states' election results to a grievance committee for potential disciplinary action, saying that any attorney trying to do something so bold as overturning an election should be "required to act with far more diligence and good faith than existed here."
  - Attorney Lin Wood is facing an [investigation](#) by the State Bar of Georgia for his post-election conduct—which includes leading several failed lawsuits—and was also kicked off an unrelated case in [Delaware](#), dropped by client Nicholas Sandmann and faces potential removal from a defamation case against MSNBC host Joy Reid.
  - Michigan and the city of Detroit are [asking for](#) far-right attorney Sidney Powell and her co-counsel to be sanctioned for their "[Kraken](#)" [lawsuit](#) in the state, and Gov. Gretchen Whitmer, Attorney General Dana Nessel and Secretary of State Jocelyn Benson have filed [complaints](#) calling for the attorneys to be disbarred.
  - Trump attorney Rudy Giuliani has had an [ethics complaint](#) filed against him with the New York State Bar that calls for him to be investigated and
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lawsuits in the state.

#### CRUCIAL QUOTE

“Given the number of failed lawsuits filed by the former President and his campaign, Petitioners apparently believed that they could file their baseless and legally deficient actions with impunity, with no regard for the costs extracted from the taxpayers’ coffers or the consequences to the democratic foundations of our country,” attorneys for Cobb County official Janine Eveler wrote in the [court filing](#), saying they were asking for fees “in an effort to provide a modicum of accountability for the actions of Petitioners and to send a signal that similarly deficient contests filed in the future will face similar consequences.”

#### CHIEF CRITIC

Trump’s lawyer in the Georgia case, Ray Smith, has not yet responded to a request for comment, but the other attorneys now being targeted have largely remained defiant. “I have a high sense of ethics, personally,” Giuliani said on his radio show about the growing complaints against him, denying he had acted improperly, while Wood decried the State Bar of Georgia’s investigation against him as “agenda-driven” and said on Telegram he will “rip the State Bar of Georgia to shreds in a courtroom.”

#### WHAT TO WATCH FOR

CNN [reports](#) that other counties in Georgia may file similar motions to Cobb and DeKalb’s demands for attorneys fees. Officials in other battleground states targeted by Trump’s post-election lawsuits may also follow suit: Wisconsin Gov. Tony Evers told the *Washington Post* the state will “absolutely” seek attorneys fees, saying there “needs to be repercussions for this reckless, dangerous behavior,” and Pennsylvania Attorney General Josh Shapiro told the *Post* “there will be accountability” for those who litigated

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Trump and his allies spent the months after the presidential election pursuing a wide-ranging legal campaign targeting the vote count in battleground states, which ultimately resulted in more than 60 failed court cases. Beyond the consequences being pursued for lawyers' actions in court, Trump and his allies are also facing potential punishment for their efforts to sow distrust in the election results more broadly. The president is the target of [multiple investigations](#) for his post-election conduct in Georgia, including a phone call in which he asked Secretary of State Brad Raffensperger to "find" enough votes to flip the election results, and [Powell](#) and [Giuliani](#) have been sued for defamation by voting machine companies Dominion Voting Systems and Smartmatic for spreading a baseless conspiracy theory involving the companies' voting machines. Dominion has also sued MyPillow and its CEO [Mike Lindell](#), and [Smartmatic's lawsuit](#) also names Fox News and several of its top anchors. (The network and those named in the lawsuits deny the claims against them.)

#### **FURTHER READING**

[Impeachment is over. But other efforts to reckon with Trump's post-election chaos have just begun.](#) (Washington Post)

[Georgia counties seek legal fees for 'frivolous' Trump voter-fraud lawsuit](#) (CNN)

[Lawyer who brought election suit referred for possible discipline](#) (Politico)

[Georgia State Bar Looks To Punish Pro-Trump Lawyer Lin Wood](#) (Forbes)

[Ethics Complaint Against Rudy Giuliani Seeks To Disbar Him In New York](#) (Forbes)

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## ELECTIONS

## Lawyer who brought election suit referred for possible discipline

D.C. judge says a case filed by Erick Kaardal was deeply flawed and appeared to amount to "political grandstanding."



Privacy voting booths are set up six-feet away from each other in the worship center of the Highland Colony Baptist Church in Ridgeland, Miss., on Nov. 3, 2020. | Rogelio V. Solis/AP Photo

By **JOSH GERSTEIN**

02/19/2021 08:01 PM EST

for potential discipline over a lawsuit filed in December seeking to overturn President Joe Biden's wins in at least five battleground states.

U.S. District Court Judge James Boasberg said the suit was so flimsy and legally flawed that it could merit the attorney who filed it, Erick Kaardal of Minneapolis, facing some sort of punishment from the court.

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“The relief requested in this lawsuit is staggering: to invalidate the election and prevent the electoral votes from being counted. When any counsel seeks to target processes at the heart of our democracy, the Committee may well conclude that they are required to act with far more diligence and good faith than existed here,” wrote Boasberg, an appointee of President Barack Obama.

Boasberg said Kaardal's explanations for his actions were inadequate, so a referral to a court attorney-conduct panel was warranted.

“As he has not sufficiently allayed the Court's concerns regarding potential bad faith, it will refer the matter to the Committee via separate letter so that it may determine whether discipline is appropriate,” the judge said.

The suit, *Wisconsin Voters Alliance v. Pence*, alleged that the election procedures in Arizona, Georgia, Michigan, Pennsylvania and Wisconsin were



victor in those states and in appointing presidential electors.

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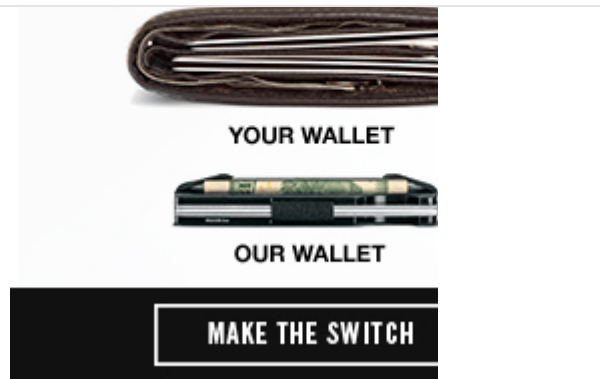
Boasberg said the case suffered from “numerous shortcomings,” including a protracted recitation of fraud allegations while disclaiming any intention to challenge that same fraud.

“Plaintiffs spend scores of pages cataloguing every conceivable discrepancy or irregularity in the 2020 vote in the five relevant states, already debunked or not, most of which they nonetheless describe as a species of fraud,” the judge wrote. “The only reason the Court can see for the Complaint to spend 70+ pages on irrelevant allegations of fraud, not one instance of which persuaded any court in any state to question the election’s outcome, is political grandstanding.”

Boasberg also said the timing of the suit, filed Dec. 22, was deeply suspicious.

“This claim ... could have been brought any time over the past years (or, in some cases, decades). It is fanciful that counsel needed to worry whether states would in fact take the allegedly unlawful action of certifying their election results without the state legislature’s involvement, as state statutes required them to do just that,” the judge added. “To wait as counsel did smacks once again of political gamesmanship.”

Kaardal, a past secretary/treasurer of the Minnesota Republican Party, is a lawyer at the Minneapolis firm of Mohrman, Kaardal & Erickson. When filing the suit last December, he said he was acting as special counsel for the Amistad Project of the Thomas More Society, a socially-conservative non-profit legal organization based in Chicago.



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Kaardal and Justin Flint, a Washington lawyer representing Kaardal in the discipline fight, did not immediately respond to messages seeking comment on Boasberg's ruling.

Other efforts are underway to discipline or punish attorneys who filed election-related litigation that critics considered ill-founded.

Earlier this month, the State Bar of Georgia [issued a 1677-page grievance against a renowned trial lawyer in the state, Lin Wood](#). The complaint cited as “frivolous” a series of suits Wood filed challenging the 2020 election results in Georgia and elsewhere. The filing came after the bar urged Wood to seek mental health treatment.

Wood has insisted the suits and bizarre allegations he leveled publicly at Chief Justice John Roberts were justified. Wood said he plans to fight the effort to discipline him.

A judge in Detroit is also considering a motion to impose sanctions on Wood and other lawyers there who filed a lawsuit challenging Biden's victory in that state. The City of Detroit has urged the judge to force the attorneys who filed the case to pay the legal fees of the opposing parties and to refer them for potential disbarment.

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## **permission as a plaintiff in lawsuit to overturn Wisconsin election results**

**Molly Beck** Milwaukee Journal Sentinel

Published 4:00 p.m. CT Dec. 1, 2020 | Updated 12:54 p.m. CT Dec. 2, 2020

MADISON - A Republican candidate for Congress who lost his election on Nov. 3 says his name is being used without permission as a plaintiff in a federal lawsuit to make President Donald Trump the winner of Wisconsin's presidential election, despite receiving fewer votes than President-elect Joe Biden.

Derrick Van Orden, who narrowly lost to U.S. Rep. Ron Kind, said Tuesday he learned through social media posts about the lawsuit that his name was being used.

"I learned through social media today that my name was included in a lawsuit without my permission," Van Orden said in a statement. "To be clear, I am not involved in the lawsuit seeking to overturn the election in Wisconsin."

Former Trump attorney Sidney Powell filed a lawsuit in federal court on Tuesday on behalf of Van Orden and La Crosse County Republican Party chairman Bill Feehan. The suit seeks, among other relief, a new election for Van Orden and wants Gov. Tony Evers to certify the election for Trump instead of Biden.

Powell and Feehan did not return phone calls.

The lawsuit is one of dozens filed by Powell and one of many that include serious factual errors. In the Wisconsin lawsuit, Powell seeks video footage of vote counting in the TCF Center. But the TCF Center is in Detroit, which is not in Wisconsin.

In another lawsuit Powell filed in Michigan, she cites a witness who claimed to have seen something strange with votes being counted in Edison County. But there is no Edison County in Michigan.

Powell has filed several lawsuits in key states where Biden has won, many alleging unfounded conspiracy theories. The Trump campaign last month disavowed Powell after she made claims in a news conference about a payoff scheme to manipulate voting machines.



# **milwaukee** journal sentinel

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Pepper pointed out the motion did not request a hearing or propose a briefing schedule, which means the lawsuit won't be acted upon quickly despite plaintiffs seeking emergency relief

**RELATED:** Attorney General Barr: Justice Department finds no evidence of widespread election fraud

*Nisa Kahn of the Detroit Free Press contributed to this report.*

*Contact Molly Beck at [molly.beck@jrn.com](mailto:molly.beck@jrn.com). Follow her on Twitter at [@MollyBeck](https://twitter.com/MollyBeck).*

# Newsmax apologizes to Dominion employee for falsely alleging he manipulated votes against Trump

By **Amy B Wang**

May 1, 2021 at 4:51 p.m. CDT

The conservative news network Newsmax has apologized to an employee of Dominion Voting Systems for baselessly alleging that he had rigged the company's voting machines and vote counts against President Donald Trump in the 2020 presidential election.

In a [statement](#) Friday, Newsmax said it wanted to “clarify” its coverage of Eric Coomer, the director of product strategy and security at Dominion, who filed a defamation lawsuit against the right-wing network in December. After the election, misinformation about Coomer's supposed role in manipulating the vote proliferated on right-wing sites, including Newsmax. Coomer said he had been forced into hiding after receiving death threats from Trump supporters, who believed Trump's false assertion that the election had been stolen from him and that Coomer had played a role.

On Friday, Newsmax said there was no evidence that such allegations were true.

“There are several facts that our viewers should be aware of,” Newsmax's statement read. “Newsmax has found no evidence that Dr. Coomer interfered with Dominion voting machines or voting software in any way, nor that Dr. Coomer ever claimed to have done so. Nor has Newsmax found any evidence that Dr. Coomer ever participated in any conversation with members of ‘Antifa,’ nor that he was directly involved with any partisan political organization.”

Newsmax also noted that “many of the states whose results were contested by the Trump campaign after the November 2020 election have conducted extensive recounts and audits, and each of these states certified the results as legal and final.” The statement ended with an apology for any harm caused to Coomer and his family.

In exchange, Coomer has dropped Newsmax from his defamation lawsuit, [the Associated Press reported](#). [NPR](#) and [Forbes reported](#) that Coomer had reached a settlement with Newsmax, but his attorneys did not disclose the details.

On Sunday, Cain & Skarnulis, the law firm representing Coomer, said the terms of the agreement with Newsmax will remain “strictly confidential.”

“We have not commented on any of the specific terms of the settlement nor will we,” the firm said in a statement. “Any statements by the media that purport to characterize the specific terms of the settlement are inappropriate.”

When asked for details of the settlement, Newsmax spokesman Brian Peterson said the network does not comment on

In his lawsuit, Coomer alleged that Newsmax, along with other right-wing news outlets and public figures, had “elevated Dr. Coomer into the national spotlight, invaded his privacy, threatened his security, and fundamentally defamed his reputation across this country.” Other defendants include the Trump campaign, former Trump attorneys Sidney Powell and Rudolph W. Giuliani, conservative podcast host Joseph Oltmann, conservative political commentator Michelle Malkin and the right-wing One America News.

The suit argued that the defendants in the case had been “integral” to spreading false claims about Coomer, which quickly put his and his family’s safety in jeopardy.

“As intended, Defendants’ fabrication quickly spread throughout various media sources. Within days, the hashtags #EricCoomer, #ExposeEricCoomer, and #ArrestEricCoomer were trending on social media,” the complaint stated. “The President began publishing numerous false statements to his millions of followers alleging Dominion interfered with the election; the President’s son and campaign surrogate, Eric Trump, tweeted a photo of Dr. Coomer alongside this false claim; and the President’s Campaign lawyers identified Dr. Coomer in a nationally televised press conference where they described him as a ‘vicious, vicious man’ who ‘is close to Antifa.’ ”

Dominion, whose voting machines have been at the center of some of the wildest election-related accusations, has filed several lawsuits against Trump’s lawyers and right-wing media outlets, as well as other allies including [MyPillow CEO Mike Lindell](#). In late March, Dominion sued Fox News \$1.6 billion over the network’s hosts and guests repeatedly making false claims about fraud in the 2020 election. (In a statement, Fox News said that it is proud of its 2020 election coverage and that it “will vigorously defend against this baseless lawsuit in court.”)

When threatened with legal action, a number of Trump’s media allies have apologized for perpetuating the former president’s false claims of voter fraud. The conservative magazine American Thinker [retracted several pieces in January](#) that had falsely accused the company of conspiring to steal the election from Trump. Thomas Lifson, the magazine’s editor and publisher, acknowledged those pieces had relied on “discredited sources who have peddled debunked theories” that had “no basis in fact.”

“Industry experts and public officials alike have confirmed that Dominion conducted itself appropriately and that there is simply no evidence to support these claims,” Lifson said in a statement then. “It was wrong for us to publish these false statements. We apologize to Dominion for all of the harm this caused them and their employees. We also apologize to our readers for abandoning 9 journalistic principles and misrepresenting Dominion’s track record and its limited role in tabulating votes for the November 2020 election. We regret this grave error.”

### **Read more:**

[‘Lefty social engineering’: GOP launches cultural attack on Biden’s plan for day care, education and employee leave](#)

[Biden cancels border wall projects Trump paid for with diverted military funds](#)

[Giuliani claims search warrant at his home was illegal because electronic materials were on his iCloud](#)



# To boost voter-fraud claims, Trump advocate Sidney Powell turns to unusual source: The longtime operator of QAnon's Internet home

By **Drew Harwell**

Dec. 1, 2020 at 4:44 p.m. CST

In her legal quest to reverse the reality of last month's election, President Trump's recently disavowed attorney Sidney Powell has gained a strange new ally: the longtime administrator of the message board 8kun, the QAnon conspiracy theory's Internet home.

Powell on Tuesday filed an affidavit from Ron Watkins, the son of 8kun's owner Jim Watkins, in a Georgia lawsuit alleging that Dominion Voting Systems machines used in the election had been corrupted as part of a sprawling voter-fraud conspiracy.

Powell has claimed that a diabolical scheme backed by global communists had invisibly shifted votes with help from a mysterious computer algorithm pioneered by the long-dead Venezuelan dictator Hugo Chávez — a wild story debunked by fact-checkers as a “fantasy parade” and devoid of proof.

No real evidence was included in Watkins's affidavit, either. But Watkins, who said in the affidavit that he lives in Japan, nevertheless speculated that — based on his recent reading of the Dominion software's online user guide — it may be “within the realm of possibility” for a biased poll worker to fraudulently switch votes.

Watkins's affidavit marks one of the first official connections between a notable player in the QAnon conspiracy universe and Trump's muddled multistate legal campaign, which some of the president's allies have labeled, in the words of Chris Christie, a “national embarrassment.”

Many similar Trump-QAnon overtures have already played out on TV and social media since the election nearly one month ago. Watkins made similar allegations in an unchallenged segment on the far-right One America News network, which Trump retweeted to his 88 million followers last month.

Powell and her client Michael Flynn, Trump's former national security adviser, are effectively celebrities to QAnon loyalists, who posit online that both will soon help “release the Kraken” and expose a bombshell that could salvage a Trump second term, vanquish his enemies and unveil the hidden machinations of a communist conspiracy.

Since claiming to have resigned last month from 8kun, Watkins has devoted much of his online activity to claims about unfounded suspicions regarding Dominion, an 18-year-old voting-technology company whose computer programs, ballot printers and other products are used by elections officials in 28 states. Trump and his supporters have loudly attacked the Denver-based company as having contributed to some approved way to steal the vote.

In a lengthy rebuttal last week, Dominion said that Powell's claims were nonsensical: Manual recounts, machine tests and independent audits had reaffirmed that the voting systems had given accurate, undistorted results. Her "wild and reckless allegations," the company added, were "not only demonstrably false" but had "led to stalking, harassment, and death threats to Dominion employees."

In his affidavit, Watkins called himself an information security expert with nine years of experience as a "network and information defense analyst" and security engineer. But he did not mention that his experience had come largely through 8kun, the site once called 8chan that was knocked offline for nearly three months last year.

The message board is infamous for its anonymous threads of racist bile and extremist threats, and the site was used by gunmen to announce and celebrate three fatal attacks last year — at an El Paso Walmart, a San Diego-area synagogue and a New Zealand mosque.

Major web-services providers that form the Internet's backbone have refused to work with the site, with one executive telling The Washington Post last year that Watkins's site had facilitated "mass shootings and extreme hate speech with intolerable consequences."

Ron Watkins holds an exalted role in QAnon's online sphere of influence: He and his father are among the few people who can verify posts from Q, the conspiracy theory's unnamed prophet (and a self-proclaimed government agent with top-secret clearance) who claims to post solely on 8kun. (The strange arrangement has fueled unproved theories that the Watkinses have helped write Q's posts, or are Q themselves, which both men deny.)

Q has posted more than 4,000 times since 2017, but only three times since the election, sparking a mix of anxiety and faith-based recommitment among QAnon believers.

Attorney General William P. Barr said on Tuesday that investigators with the FBI and Justice Department hadn't "seen anything to substantiate" the claims of mass voter fraud.

But Watkins and his supporters have continued to hunt for clues to support the unproven claims of a secret Dominion scheme.

Shortly after midnight Tuesday, Watkins posted what he called "a smoking-gun video" of a Dominion worker manipulating Georgia voting data by "plugging an elections USB drive into an external laptop ... then suspiciously walking away."

The undated video — which was recorded at a distance and includes a man and woman offering ongoing commentary of the "nerd boy" as he works inside an election office — shows nothing even remotely conclusive of voter fraud: The man uses a computer and a thumb drive, all of it very obviously caught on camera.

But Watkins's messages nevertheless kicked QAnon-echoing accounts and online Trump supporters into conspiracy-theory overdrive. Many began sharing the name of a Georgia man they believed had been captured on the video, after they'd zoomed in on the man's identification badge. A number of accounts on Twitter, 8kun and other pro-Trump websites shared links to the man's possible LinkedIn profile, phone numbers, home address and personal details, including a photo of him as a groomsman in a friend's wedding in 2018.

A Dominion representative said the company wouldn't comment on alleged employee matters or safety issues, but that it was working to report all threats to law enforcement.



Watkins did not respond to questions, and a woman he had thanked on Twitter for sharing the original video said she had “no comment about anything.”

The man’s name and identifying information is still bouncing around the Web, with some people calling for his imprisonment, torture or execution. For several hours on Tuesday, just typing in the first two letters of his name into Twitter would automatically complete the rest of his name. One tweet includes his name and said he is “guilty of treason” and added, alongside an animated image of a hanging noose: “May God have mercy on your soul.”

Gabriel Sterling, a top official with the Georgia Secretary of State’s office, addressed the threat in a fiery news conference Tuesday afternoon and called out Trump and Republican senators for not condemning the violent language. Sterling said the man caught on camera had been transferring a report to a county computer so he could read it.

“It’s all gone too far. All of it,” he said. “This 20-year-old contractor for a voting system company [was] just trying to do this job,” he added. “His family is getting harassed now. There’s a noose out there with his name on it. And it’s not right. ... This kid took a job. He just took a job, and it’s just wrong.”

*Alice Crites and Julie Tate contributed to this report.*

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Giuliani’s fantasy parade of false voter-fraud claims

Mass shooting finally pushes 8chan off the web when a service company rebels

Three mass shootings this year began with a hateful screed on 8chan. Its founder calls it a terrorist refuge in plain sight.

## Investigations

# Sidney Powell's secret 'military intelligence expert,' key to fraud claims in election lawsuits, never worked in military intelligence

By [Emma Brown](#),  
[Aaron C. Davis](#) and  
[Alice Crites](#)

December 11, 2020

The witness is code-named “[Spyder](#).” Or sometimes “[Spider](#).” His identity is so closely guarded that lawyer Sidney Powell has [sought](#) to keep it even from opposing counsel. And his account of vulnerability to international sabotage is a key part of Powell's failing multistate effort to invalidate President-elect Joe Biden's victory.

Powell describes Spyder in court filings as a former “Military Intelligence expert,” and his testimony is offered to support one of her central claims. In a [declaration](#) filed in four states, Spyder alleges that publicly available data about server traffic shows that voting systems in the United States were “certainly compromised by rogue actors, such as Iran and China.”

Spyder, it turns out, is Joshua Merritt, a 43-year-old information technology consultant in the Dallas area. Merritt confirmed his role as Powell's secret witness in phone interviews this week with The Washington Post.

Records show that Merritt is an Army veteran and that he enrolled in a training program at the 305th Military Intelligence Battalion, the unit he cites in his declaration. But he never completed the entry-level training course, according to Meredith Mingledorff, a spokeswoman for the U.S. Army Intelligence Center of Excellence, which includes the battalion.

“He kept washing out of courses,” said Mingledorff, citing his education records. “He's not an intelligence analyst.”

In an interview, Merritt maintained that he graduated from the intelligence training program. But even by his own account, he was only a trainee with the 305th, at Fort Huachuca in Arizona, and for just seven months more than 15 years ago.

His separation papers, which he provided to The Post, make no mention of intelligence training. They show that he spent the bulk of his decade in the Army as a wheeled vehicle mechanic. He deployed to the wars in

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Merritt acknowledged that the declaration's description of his work as an "electronic intelligence analyst under 305th Military Intelligence" is misleading. He said it should have made clear that his time in the 305th was as a student, not as a working intelligence expert.

He blamed "clerks" for Powell's legal team, who he said wrote the sentence. Merritt said he had not read it carefully before he signed his name swearing it was true.

"That was one thing I was trying to backtrack on," he said on Thursday. "My original paperwork that I sent in didn't say that."

On Friday afternoon, as his name increasingly circulated on social media, Merritt said he had decided to remove himself from the legal effort altogether. He said he plans to close his business and relocate with his family.

Asked about Merritt's limited experience in military intelligence, Powell said in a text to The Post: "I cannot confirm that Joshua Merritt is even Spider. Strongly encourage you not to print."

Of her description of him as a military intelligence expert, she said, "If we made a mistake, we will correct it."

Federal judges have in the past week rejected all four of the complaints Powell has filed seeking to overturn the presidential election — lawsuits popularly known as the "kraken" suits, after a mythical sea creature she has harnessed as a sort of mascot — ruling either that the challenges should have been filed in state courts or were meritless.

In Michigan, attorneys for the state argued that Powell's complaint was based on "fantastical conspiracy theories" that belong in the "fact-free outer reaches of the Internet." A federal judge [ruled](#) this week that the allegation that votes were changed for Biden relied on an "amalgamation of theories, conjecture, and speculation."

A federal judge in Arizona similarly [tossed out a case](#) Wednesday that relied in part on an affidavit from Merritt, writing that allegations "that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings and procedure in federal court" and "most certainly cannot be the basis for upending Arizona's 2020 General Election."

Powell is appealing all four of those losses.

Merritt told The Post that, because judges are dismissing the cases without giving the Powell team a chance to fully present evidence, "we're just going to supply the evidence through other directions," including to lawmakers and members of the intelligence community. He said Russell Ramsland, a former colleague and fellow witness for Powell, had asked him to brief Rep. Louie Gohmert (R-Tex.), a leading proponent of [fanciful claims](#) about the 2020 election.

Gohmert did not respond to a request for comment.

The 305th Military Intelligence Battalion at Fort Huachuca has taken on a special significance among supporters of Powell's lawsuits. Some popular conspiracy theories contend that the unit — rather than Merritt, a former member who was discharged years ago — has determined that China and Iran manipulated the U.S. vote. In late November, Thomas McInerney, a retired lieutenant general in the Air Force and a proponent of election fraud claims, [said](#) that President Trump and Powell have “got the 305th Military Intelligence Battalion working with them” and that “the Kraken is the 305th Military Intelligence Battalion.”

The battalion is an entry-level training unit. It has not had an operational mission since [World War II](#). Mingledorff said soldiers there “do not collect, analyze or provide intelligence in any way.”

Army records provided by Merritt show that he enlisted in 2003. He first aimed to be a medic, but did not graduate from a training program at Fort Sam Houston in Texas, according to records in the Army Training Requirements and Resource System, Mingledorff said. He was “recycled,” or allowed to repeat the training course — but again did not graduate, she said, citing the records.

In 2004, Merritt transferred to the 305th Military Intelligence Battalion, the records show. He had a spot reserved in an electronic intercept analyst course with the 305th, but records show he did not meet the prerequisites and was dropped from the program, Mingledorff said.

Merritt's military separation papers show that he completed three education courses — two involving work on wheeled vehicles and one on leadership.

Merritt told The Post he completed the medic and intelligence trainings as well. He said that for both programs, the particular career path he was studying for changed by the time his training ended. He maintained that this pattern left him in a sort of military bureaucratic limbo, in the service but without a specific job until he became a wheeled vehicle mechanic in 2005.

He provided a document labeled “unofficial transcript” that he said showed that he completed the intelligence and medic courses. Mingledorff declined to comment on that document but said the records she examined were clear.

Army education records also show several distance-learning and in-person trainings over the course of his service, many of which were not completed, Mingledorff said.

He said he was unable to complete some online courses while serving overseas because of the demands of his job.

Merritt was honorably discharged from the Army in 2013, after a decade of service, including deployments to the wars in Iraq in 2005-2006 and Afghanistan in 2009-2010, according to his separation papers. His commendations included the Combat Action Badge, which is authorized for soldiers who are “present and

actively engaging or being engaged by the enemy, and performing satisfactorily in accordance with prescribed rules of engagement.”

Merritt told The Post he left the military because he had reached a “retention control point” and was unlikely to be promoted. Under Army rules, soldiers are only permitted to serve a certain number of years at a particular rank.

Merritt said cybersecurity was a hobby when he was in the Army, and it became a profession once he was out. He said he is neither a Republican nor a Democrat but a “Constitutionalist” who is just trying to do his part to ensure fair elections in the United States. “Right now you’re looking at two political parties that all they care about is power, they don’t care about people,” he said. “I swore my life to my Constitution and that’s what I keep it at.”

He used his GI Bill funds to study network security administration at ITT Tech in Arlington, Tex. He said he earned an associate degree from the school, part of a nationwide chain of for-profit colleges that [shut down in 2016](#).

He went on to intern and work in several positions related to cybersecurity, he said. In 2017, he joined a small Dallas-area firm called Allied Special Operations Group, where Ramsland says he is part of the management team.

Merritt said it was there that he began to work on election security and came to believe the system was rife with vulnerabilities. Soon, he said, he was a frequent guest in right-wing videos, appearing under the pseudonym “Jekyll,” in shadow and with his voice disguised as he warned that the U.S. election system was vulnerable to being corrupted on a massive scale.

In 2018, he said, he helped investigate what he described as suspected fraud in races affecting five candidates, including former Kentucky governor Matt Bevin (R) and former Texas congressman Pete Sessions (R). Merritt said he found many elections-related companies plagued by vulnerabilities.

Bevin did not respond to a request for comment.

In a phone interview, Sessions described Merritt as a “top, top computer forensic expert.”

After two decades in Congress, Sessions’s 2018 [loss to Democrat Colin Allred](#), a former professional football player, was viewed by some on election-conspiracy sites as implausible. Merritt said he worked behind the scenes, conducting election-fraud analysis. Sessions would not disclose Merritt’s precise work or whether he was paid, but said of Merritt: “He may have been involved in certain elements of that. It is true there were people who were aware of those things.”

Sessions won a comeback victory in November and will return to Congress next year. He said he was unswayed by the Army’s disclosure that Merritt had never completed electronic intelligence training.

“Get the best computer expert you know, have him call and query Josh. Josh will run circles around that person,” Sessions said.

No charges were brought in connection with these allegations, Merritt said.

Merritt formed his own firm, Cybertoptix, in 2019. He said the company — which consists of himself and a handful of contractors — specializes in building “cyberinfrastructure” such as making websites and setting up servers. It also does 3-D printing.

Merritt said he became involved in the Powell litigation through Ramsland. Ramsland has also submitted affidavits as part of Powell’s lawsuits, including one that drew attention for [mistakenly using voting data from Minnesota](#) to allege evidence of voter fraud in Michigan.

Merritt said he provides information to Powell’s legal team through intermediaries he knows only by username. He said he is not being paid for his work on the case.

Ramsland did not respond to messages left at his home or on a cellphone registered in his name.

Merritt said he had sought to stay anonymous because he feared for the safety of his family if his name became known. Someone came up with his pseudonym based on the spider-like shape of the diagrams in his declaration, he said.

His name slipped into the court record, though little noticed, on Nov. 25. The Powell team filed a carefully redacted [declaration](#) from its secret witness, but a bookmark in the file uploaded to the court’s computer system was visible: “Declaration of JOSHUA MERRITT.”


“One jackwagon forgot to clear out the data. I was really pissed,” Merritt said. “The guy was like, ‘I’m sorry,’ and I was like, ‘Well, you know, that and a bag of chips will still leave me hungry.’ ”

On Wednesday night, after a Reuters reporter [tweeted](#) about that flub and drew widespread attention to his name, Merritt was bracing for what might come.

“This is not the 15 minutes I wanted,” he said.


*Aaron Schaffer, Aaron Blake, Dan Lamothe and Dalton Bennett contributed.*

#### **Emma Brown**

Emma Brown is a reporter on the investigative team who joined The Washington Post in 2009. Previously, she wrote obituaries and covered local and national education. [Follow](#) 


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#### **Aaron C. Davis**

Aaron Davis is an investigative reporter who has covered local, state and federal government, as well as the aviation industry and law enforcement. Davis shared in winning the Pulitzer Prize for Investigative Reporting in 2018. [Follow](#) 



**Alice Crites**

Alice Crites is a researcher and librarian who specializes in government and politics and has covered elections since 1994. She was a member of the team that won 2018 Pulitzer Prize for Investigative Reporting for the coverage of Roy Moore and the subsequent sting attempt on the Post. Follow 

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# Sidney Powell's secret intelligence contractor witness is a pro-Trump podcaster

By **Jon Swaine**

Dec. 24, 2020 at 3:03 p.m. CST

As she asked the U.S. Supreme Court this month to overturn President Trump's election loss, the attorney Sidney Powell cited testimony from a secret witness presented as a former intelligence contractor with insights on a foreign conspiracy to subvert democracy.

Powell told courts that the witness is an expert who could show that overseas corporations helped shift votes to President-elect Joe Biden. The witness's identity must be concealed from the public, Powell has said, to protect her "reputation, professional career and personal safety."

The Washington Post identified the witness by determining that portions of her affidavit match, sometimes verbatim, a [blog post](#) that the pro-Trump podcaster Terpsichore Maras-Lindeman published in November 2019. In an interview, Maras-Lindeman confirmed that she wrote the affidavit and said she viewed it as her contribution to a fight against the theft of the election.

"This is everybody's duty," she said. "It's just not fair."

In a recent civil fraud case, attorneys for the state of North Dakota said that Maras-Lindeman falsely claimed to be a medical doctor and to have both a PhD and an MBA. They said she used multiple aliases and social security numbers and created exaggerated online résumés as part of what they called "a persistent effort . . . to deceive others."

Powell's reliance on Maras-Lindeman's testimony may raise further questions about her judgment and the strength of her arguments at a time when she is becoming an increasingly influential adviser to the president. Trump's legal team distanced itself from Powell last month after she falsely claimed Republican state officials took bribes to rig the election. But she has visited the White House three times in the past week, once to participate in an Oval Office meeting. Trump has weighed naming Powell a special counsel to investigate the election, according to previous reports.

Maras-Lindeman, 42, served in the Navy for less than a year more than two decades ago and has said she worked later as a government contractor and part-time interpreter. She has identified herself as a "trained cryptolinguist."

North Dakota's assertions about her credentials came in a civil case brought by the state's attorney general in 2018 over a purported charitable event she tried to organize in Minot, N.D., where she and her family resided. Attorneys for

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mispending money, she raised and sending donations while misrepresenting her experience and education. He ordered her to pay more than \$25,000.

Maras-Lindeman has appealed to the state Supreme Court. In court filings and in her interview with The Post, she denied mishandling the funds or misleading donors. She blamed identity theft and bureaucratic failings for a proliferation of variations on her name and social security numbers associated with her.

Maras-Lindeman also claimed that she was targeted by the state for political reasons, noting that around that time she was exploring running for mayor of Minot — under the slogan “Make Minot Great Again.” She said that in 2018 she assisted the campaign of David C. Thompson, the Democratic challenger to longtime Attorney General Wayne Stenehjem (R). Thompson is now Maras-Lindeman’s defense attorney.

Thompson said in an interview that the case was a “vindictive exercise” and was excessive given the relatively small amounts of money in question. “They took a missile to kill a fly,” he said.

In an interview, Stenehjem — who signed a brief this month asking the Supreme Court to take up a case that sought to overturn the election — dismissed the claim that his investigation was politically motivated and said that anyone working with Maras-Lindeman should “back away” from her.

In a text message, Powell did not directly address questions about Maras-Lindeman’s fraud case and credentials. “I don’t have the same information you do,” she wrote to The Post.

Powell’s lawsuits — litigation she has referred to as “the kraken,” after a Scandinavian mythological sea monster — rely in key respects on a handful of anonymous expert witnesses. Among them is a purported military intelligence expert identified in court filings as “Spyder.” The Post reported this month that the witness is an I.T. consultant named Joshua Merritt who has never worked in military intelligence. Rather, Merritt spent the bulk of his decade in the Army

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attention and it appeared as an exhibit in one of her cases.

Maras-Lindeman's 37-page affidavit outlines a purported conspiracy by the Canadian company Dominion Voting Systems, which sells voting machines used in some states, and Scytl, a Spain-based firm that provides election software. She claims that votes cast on Dominion machines in key states were hacked as they passed through Scytl tallying systems and rigged in favor of Biden.

"The vote is not safe using these machines not only because of the method used for ballot 'cleansing' to maintain anonymity but the EXPOSURE to foreign interference and possible domestic bad actors," she writes in the affidavit.

Like Trump and many of his supporters, Maras-Lindeman points to election night spikes in Biden's vote totals — explained by officials as merely the result of densely populated areas reporting their counts — as evidence of a "digital fix" involving abrupt dumps of bogus votes.

In a statement last month, Dominion described allegations leveled against it by Powell and other Trump supporters as "baseless, senseless, physically impossible, and unsupported by any evidence whatsoever." Scytl said in a statement that it "does NOT tabulate, tally or count votes in US public elections," had no relationship with Dominion, and that its U.S. operations are run by a Tampa-based subsidiary.

Last week, Dominion said it had written to Powell to demand that she retract what the company said were defamatory accusations.

Federal judges have rejected all four of the complaints Powell has filed, two of which — in Wisconsin and Arizona — included Maras-Lindeman's affidavit.

In Wisconsin, a federal judge ruled that Powell's request that the results of the election be overturned is "outside the limits" of the court's power. Attorneys for Gov. Tony Evers (D), in seeking the dismissal, said the complaint was "rampant with wild speculation and conspiratorial conclusions, and simply without any basis in law or fact."

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Powell has appealed the cases to the U.S. Supreme Court, where she is seeking to have them consolidated.

Maras-Lindeman, who goes by Tore (pronounced “Tory”), spent recent weeks in Washington with a group of fellow Trump supporters working to bolster Powell’s legal campaign, according to social media posts and statements on her podcast, “Tore Says.” The group included Millie Weaver, a former correspondent for the far-right website Infowars, who released a documentary over the summer — “Shadowgate” — that helped propel Maras-Lindeman to prominence among conspiracy theorists on the right.

Maras-Lindeman told her listeners on Dec. 7 that she was speaking from “the belly of the beast” and that a group of Trump loyalists was working to take action against those who had stolen the president’s victory.

“There are really good people — patriots — gathered, working hard to ensure that they not only get to the bottom of what happened during this election . . . but they’re also seeking to prosecute,” she said.

Maras-Lindeman spent time at Trump’s hotel in downtown Washington and interviewed Patrick Byrne, the millionaire Overstock.com founder and Trump backer who has said he is funding a team of “cybersleuths” to scrutinize the election. Byrne and Maras-Lindeman told The Post he is not funding her.

In past episodes, Maras-Lindeman has discussed conspiracy theories, including one that baselessly accused high-ranking Democrats of human trafficking centered at a D.C. pizzeria. In an episode last year, she said, “What we realize is that this Pizzagate stuff, this satanic constant abuse of children, is an actual real thing.”

Maras-Lindeman, who is of Greek heritage, joined the Navy in December 1996 and spent eight months training in Illinois and Florida as an airman recruit before departing the service in August 1997, according to a Navy record.

In their civil case, North Dakota state attorneys said that Maras-Lindeman created [a profile](#) on Together We Served, an online veteran community, that incorrectly depicted an extensive military career.

The profile, which is no longer online, said that Maras-Lindeman reached the rank of lieutenant, served in the combat zones of Kosovo, Afghanistan and Iraq, and in the Office of Naval Intelligence, and was awarded multiple medals including a Purple Heart.

In the interview, Maras-Lindeman denied creating the profile and said whoever did had misstated the details of her career. She previously posted to Twitter a purported copy of her Navy separation paperwork, which said that she specialized in communications and intelligence.

Neither the record provided to The Post nor the paperwork Maras-Lindeman posted online stated a reason for her departure, but the papers she posted said that the character of her discharge was “general (under honorable conditions).”

In response to questions about the nature of the discharge, a Navy spokesman referred to the Navy Military Personnel Manual. The manual said it means, “The quality of the member’s service has been honest and faithful; however, significant negative aspects of the member’s conduct or performance of duty outweighed positive aspects of the member’s service record.”

In her affidavit, Maras-Lindeman identifies herself as a former “private contractor with experience gathering and

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vendor with certain programs associated with USSOCOM,” the U.S. Special Operations Command. A spokesman for the command said in an email that its contracting office could find no record of any contract with her.

She claimed in Weaver’s documentary that, as an intelligence contractor, she carried out a notorious 2008 intrusion into the State Department’s passport records on several presidential candidates. In a separate podcast interview, she said that she retrieved the records on direct orders from John O. Brennan, who then led a private security firm implicated in the incident and was later CIA director. “I went and got them,” she said. “He told me to go get them.”

A spokesman for Brennan said that Brennan had never heard of Maras-Lindeman.

Maras-Lindeman told The Post that, by its nature, her covert work could not be independently verified. “People like me don’t exist,” she said. “You just have to trust.”

According to a LinkedIn profile that has since been deleted, between 1997 and 2014 Maras-Lindeman obtained eight academic degrees in the United States and the United Kingdom, along with additional professional qualifications. The attorneys in the fraud case said in court filings that they could find records of her earning only one degree, a bachelor’s in biology from the University of Kentucky in 2011.

Maras-Lindeman told The Post someone else created the profile — despite claims to the contrary by state attorneys in the fraud case — and she declined to comment on its particulars.

After obtaining the degree, Maras-Lindeman and her family moved to Beaverton, Ore.

She took a voluntary job teaching Greek at Agia Sophia Academy, a private Greek Orthodox school in Beaverton. Her archived biography on the school’s website used the title “Dr.” and said she had a PhD. Attorneys for North Dakota later said in a court filing in the fraud case that Maras-Lindeman “is not a doctor and does not possess a PhD from any institution.”

The school’s principal, Christina Blankenstein, said in an email that the school could not vouch for Maras-Lindeman’s professional record because her position was unpaid. Maras-Lindeman worked at the school for between a year and two years, Blankenstein said.

In the interview, Maras-Lindeman said the school must have misunderstood paperwork she gave them saying that she was a PhD candidate.

After she moved to North Dakota, Maras-Lindeman asserted in series of small claims court cases that she was a pediatric oncologist, attorneys for North Dakota said in a court filing. As recently as November 2017, a website for a purported cancer research organization named “ML Laboratories” referred to her as “Dr. Tore Maras-Lindeman” and said she was its founder.

Maras-Lindeman also used an email address and Twitter handle identifying herself as “Dr. Lindeman.” She told The Post she reserved the accounts so they would be ready for her when she earned a doctoral degree.



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